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EXAMINER
NGUYEN, CINDY

ART UNIT	PAPER NUMBER
2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 4* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3 and 4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This is response to amendment filed 11/17/08.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the

new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 14, 16, 24, 26 and 28 are rejected under 35 U.S.C. 102(e) as

being anticipated by "Using JDeveloper to Build Oracle XML Applications",

copyright 1996--2001, Oracle Corporation (hereafter Oracle).

Regarding claim 1, Oracle discloses: A method of managing a relational

database on pervasive computing device (see section Building XSQL Clients

with Business Components for JAVA, page 6 and figure 11-8, page 18 and

corresponding text, Oracle) comprising:

a. receiving queries in SQL, the queries comprising a plurality of query

terms (i.e., SQL queries, section Oracle XSQL Servlet, page 11, Oracle);

b. interpreting the queries by associating at least one declarative language

function with the query terms by converting the SQL to an intermediate tree

representation corresponding to the declarative language function (see example

1 of JDeveloper XSQL, page 11, the queries embedded into XML syntax

structure; see also page 5, section XML in Business Components for JAVA,

Oracle);

c. converting the queries represented by the at least one declarative

language function to a plurality of JAVA statement (see the highlight section XML

Data Generator Web Bean, page 12, , Oracle);

executing the Java statements (see the Procedure for building

Applications in JDeveloper9i, page 13, Oracle).

Regarding claims 3, all the limitations of this claim have been noted in the

rejection of claim 1 above. In addition, Oracle discloses: wherein the declarative

language function is identified by a pointer to further code such that the

declarative language function is treated as data within the plurality of imperative

language statements (i.e., XML Developers Kit is integrated into JDeveloper , so

that Jdeveloper offers many utilities that help java developers handle, create

and transform XML, see fig. 11-1 and section JDeveloper XSQL Example 1,

pages 11 and page 13 , Oracle).

Claim Rejections - 35 USC § 103
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over

"Using JDeveloper to Build Oracle XML Applications", copyright 1996--2001,

Oracle Corporation (hereafter Oracle) in view of Simon Peyton Jones et al.

"Bridging the gulf: a common intermediate language for ML and Haskell",

Copyright 1998 ACM (hereafter Simon).

Regarding claim 4, all the limitations of this claim have been noted in the

rejection of claim 1, above. However, Oracle didn't disclose: wherein the

declarative language is chosen from the group consisting of ML, LISP, and

HASKELL. On the other hand, Steele discloses: ML, LISP and HASKELL. On

the other hand, Simon discloses: wherein the declarative language is chosen

from the group consisting of ML, LISP, and HASKELL. On the other hand,

Steele discloses: ML, LISP and HASKELL (see abstract, page 49). Thus, at the

time invention was made, it would have been obvious to a person of ordinary skill in the art to include wherein the declarative language is chosen from the group consisting of ML, LISP, and HASKELL in the system of Oracle as taught by Simon. The motivation being to provide the ability to compile as good code as a more direct route turned out to be and identify two alternative language designs and explore the choices they embody.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cindy Nguyen

/C. N./

Examiner, Art Unit 2161

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161